

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

IN RE:

Darrin Williams  
Zandra Valandra Williams  
DEBTORS

CASE NO. 18-02672-HAC-13

**TRUSTEE'S MOTION TO DISMISS**

Daniel B. O'Brien, Trustee in this Chapter 13 proceeding, respectfully reports the Debtors have failed to comply with the Court's Order requiring regular monthly payments to the Trustee. The Debtors should have paid \$5,157.00. The Debtors have paid \$4,005.00 to date causing a delinquency of \$1,152.00 or 3 months.

For the plan to be completed within the confirmed period of time, payments will need to be increased to \$428.00 per month.

WHEREFORE, the undersigned requests entry of an order dismissing this case or, in the alternative, allow the Debtors to remain in this case by choosing one of the following options on the attached consent order:

1. The Debtors shall resume payments and request a wage deduction order (if applicable) within 21 days from the date of this motion.

or

2. The Debtors shall move to convert case to Chapter 7 within 21 days from the date of this motion.

DATED: February 21, 2020

/s/ Daniel B. O'Brien

Daniel B. O'Brien  
CHAPTER 13 TRUSTEE

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

The Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a written objection within 21 (twenty one) days of service of this motion. If you object to the relief requested in this motion, you must file your WRITTEN objection stating the specific ground or grounds on which your objection is based, with the Clerk of Court at 201 St. Louis Street, Mobile, AL 36602, and serve a copy on the movant, Chapter 13 Trustee, P. O. Box 1884, Mobile, AL 36602, and any other appropriate persons.

If an objection or consent order is not filed within the time permitted, the Court will assume that you do not oppose the granting of the motion, will consider the motion without a hearing, or may grant the relief requested in this motion. If the attached consent order and payment is returned timely, no hearing will be held. If an objection to this motion is timely filed, this Court shall issue a notice setting a hearing date and time.

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**CERTIFICATE OF SERVICE**

I certify that on February 21, 2020, I served a copy of the above motion to the parties listed as follows:

**By Electronic Notification:**

Kevin M. Ryan  
P. O. Box 2161  
209 N. Joachim Street  
Mobile, AL 36652

**By First Class Mail:**

Darrin Williams  
Zandra Valandra Williams  
6068 Bear Creek Road  
Frisco City, AL 36445

/s/ Daniel B. O'Brien

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Daniel B. O'Brien  
CHAPTER 13 TRUSTEE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF ALABAMA

IN RE:

Darrin Williams  
Zandra Valandra Williams  
DEBTORS

CASE NO. 18-02672-HAC-13

**CONSENT ORDER CONDITIONALLY DENYING TRUSTEE'S MOTION TO DISMISS**

This matter is before the Court on the motion of the Chapter 13 Trustee to dismiss the Debtor's case for failure to make Chapter 13 plan payments. The Debtor and the Chapter 13 Trustee are in agreement and respectfully request the Court to conditionally deny the Trustee's motion to dismiss upon the following terms and conditions:

- ☐ 1. The {Debtor/s} will begin making the increased payment of \$428.00 per month. A payment must be sent to the address below and be received by the Trustee within 21 days of signing this consent agreement. This case will remain in a probationary status for a period of 12 months from the entry of this order. Should the debtor fail to make a payment within the month due during the probationary period, the Trustee shall notify the Court of the default and the case shall be dismissed without further notice or hearing.
- ☐ 2. In addition to paragraph 1 above, the Debtor also requests that the Trustee issue a wage deduction order as follows:
- Employee Name: \_\_\_\_\_ Employer: \_\_\_\_\_
- Employer Address: \_\_\_\_\_
- ☐ 3. The Debtor(s) shall file a notice to convert this case to Chapter 7 within 21 days of this order or the case will be dismissed without further hearing or notice.
- ☐ 4. Other provisions: \_\_\_\_\_

\_\_\_\_\_  
Debtor(s)

and/or

\_\_\_\_\_  
Counsel with Debtor(s) consent

Date: \_\_\_\_\_

Mail money order or cashier's check and consent  
agreement to:

DANIEL O'BRIEN  
CHAPTER 13 TRUSTEE  
P.O. Box 1779  
MEMPHIS TN 38101-1779

**ORDER**

**The Court hereby orders that the Trustee's motion to dismiss for failure to make plan payments is **CONDITIONALLY DENIED** subject to the terms and conditions of the consent order above.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
CHIEF U.S. BANKRUPTCY JUDGE